

RN03041
Serial number: 10/552,520
AMENDMENT

REMARKS/ARGUMENTS

It is asserted that these amendments do not add new matter and are supported by the specification and claims as originally filed. Entry of these claims is respectfully requested.

Claims 10-18 have been rejected.

Claims 10-12, 14, 17 and 18 have been amended.

Claims 13, 15 and 16 are kept unchanged.

New claims 19-22 are filed.

Claims 10-22 are pending in the application.

The rejection of claims 10-18 under 35 U.S.C. § 112, first paragraph, is now moot because the phrase “optionally substituted” has been deleted from amended claims 10 and 18.

Claims 10-18 are rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All the limitations denoted by “optionally” or “advantageously” have been deleted in amended claims 10-12, 14, 17 and 18. Some of these limitations are the subject of new claims 19-21.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 10-18 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention..

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Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by WO97/31960 Nabavi et al., as translated by US Patent Application Pub. No. US 2003/0158328.

Nabavi teaches an isocyanate coating composition to produce paint or varnish films.

Even though Nadavi's composition adheres to surfaces to be coated, Nabavi is mute;

- on the application of such isocyanate composition to bond wood or elastomer, and
- on the fact that the composition must present the two following features to be used as a bonding composition:

a mass content of N=C=O function of between 10% and 30%; and

an isocyanate composition with a viscosity of not more than 2500 mPa.s;

Applicant is filing a new claim 22 aiming to a process of for bonding wood or elastomer which is neither disclosed nor suggested by Nadavi. That claim finds support on page 1, lines 5-13, in example 1, bonding of wood and in example 2, bonding of elastomer. In those examples the bonding of wood and elastomer are performed according to normes.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 10-18 under 35 U.S.C102(b) as being anticipated by WO97/31960 Navai et al., as translated by US Patent Application Pub. No. US 2003/0158328.

The rejection of claims 10-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of US Application No. 10/552,521 is now moot because Applicants are herewith filing a terminal disclaimer in compliance with 37 CFR 1.321 (c).

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According to the OG Notice of 12/26/01 "Guidelines Setting Forth a Modified Policy, the undersigned Agent of record makes the statement that the instant application and the reference: US Patent Application 10/552,521 were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person, Rhodia-Chimie, according to the two Patent Assignment Abstracts of Title thereof, herewith enclosed.

In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned agent at (609) 860-4180. A notice of allowance is respectfully solicited.

Respectfully submitted,

By _____

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